

REMARKS

Claims 1-15 and 26-31 are pending.

Claims 1-4, 6-7, 10, and 13-15 stand rejected under 35 USC §102(e) as being allegedly anticipated by Goodson et al. (US 2003/0062149).

Claim 5 stands rejected under 35 USC §103(a) as being allegedly unpatentable over Goodson et al. (US 2003/0062149) in view of Randlett et al. (US 6,067,712).

Claims 11 and 12 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Goodson et al. (US 2003/0062149) in view of Janowski et al. (US 4,129,181).

Claims 26 and 27 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Goodson et al. (US 2003/0062149) in view of Wang (US 6,118,656).

Claims 30 and 31 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Goodson et al. (US 2003/0062149) in view of Wang (US 6,118,656) and further in view of Palmer (US 6,008,988).

Claims 8 and 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Changes in the Claims:

Claims 8, 16-25, 28, and 32-35 have been cancelled.

Claims 1, 13, 14, 15, 26, 27, 29, and 30 have been amended in this application to further particularly point out and distinctly claim subject matter regarded as the invention. The limitation of objected Claim 8 has been incorporated in Claim 1. The limitation of objected Claim 28 has been incorporated in Claim 26. No new matter has been added.

Changes in the Specification:

Paragraphs 0027 and 0028 have been amended in response to the informalities objection of the Office Action.

Rejection under 35 USC §102(e) – claims 1-4, 6-7, 10, and 13-15

Claims 1-4, 6-7, 10, and 13-15 stand rejected under 35 USC §102(e) as being allegedly anticipated by Goodson et al. (US 2003/0062149). This rejection is respectfully traversed.

A claim must be anticipated for a proper rejection under §102(a), (b), and (e). This requirement is satisfied “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”; see MPEP §2131 and Verdegaal Bros. V. Union Oil, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1984). A rejection under §102(b) may be overcome by showing that the claims are patentably distinguishable from the prior art; see MPEP §706.02(b).

Goodson describes a microchannel cooling system. However, Goodson is silent as to “the evaporator is divided into a top portion and a bottom portion, wherein the working fluid is warmed in the top portion before reaching the bottom portion.” Claim 1.

In contrast, the presently claimed invention claims that “the evaporator is divided into a top portion and a bottom portion, wherein the working fluid is warmed in the top portion before reaching the bottom portion.” Claim 1. Goodson does not teach or suggest an evaporator with a top portion, a bottom portion wherein the working fluid is warmed in the top portion before reaching the bottom portion.

The presently claimed invention is, accordingly, distinguishable over the cited reference. In the view of the foregoing, it is respectfully asserted that claims 1-4, 6-7, 10, and 13-15 are now in condition for allowance.

Rejection under 35 USC §103(a) – claim 5

Claim 5 stands rejected under 35 USC §103(a) as being allegedly unpatentable over Goodson et al. (US 2003/0062149) in view of Randlett et al. (US 6,067,712). This rejection is respectfully traversed.

These rejections are respectfully traversed for at least the reason that each of the rejected claims ultimately depend on an above-discussed base claim. The arguments set forth above regarding the base claims are equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

Rejection under 35 USC §103(a) – claims 11 and 12

Claims 11 and 12 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Goodson et al. (US 2003/0062149) in view of Janowski et al. (US 4,129,181). This rejection is respectfully traversed.

These rejections are respectfully traversed for at least the reason that each of the rejected claims ultimately depend on an above-discussed base claim. The arguments set forth above regarding the base claims are equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

Rejection under 35 USC §103(a) – claims 26 and 27

Claims 26 and 27 stand rejected under 35 USC §103(a) as being allegedly unpatentable over et al. (US 2003/0062149) in view of Wang (US 6,118,656). This rejection is respectfully traversed.

Under MPEP §706.02(j), in order to establish a prima facie case of obviousness required for a §103 rejection, three basic criteria must be met: (1) there must be some suggestion or motivation either in the references or knowledge generally available to modify the reference or combine reference teachings (MPEP §2143.01), (2) a reasonable expectation of success (MPEP §2143.02), and (3) the prior art must teach or suggest all the claim limitations (MPEP §2143.03). See *In re Royka*, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974).

Wang describes a heat sink having a pressure gradient.

Application respectfully submit that Wang does not teach or suggest all of the claim limitations of claims 26 and 27. In particular, Wang does not teach or suggest “warming up a working fluid in a top portion of the evaporator.”

Applicant therefore submits that the rejection based the Wang reference be withdrawn. Thus, Applicant submits that claims 26 and 27 recite novel subject matter which distinguishes over any possible modification of Wang.

Rejection under 35 USC §103(a) – claims 30 and 31

Claims 30 and 31 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Goodson et al. (US 2003/0062149) in view of Wang (US 6,118,656) and further in view of Palmer (US 6,008,988). This rejection is respectfully traversed.

Under MPEP §706.02(j), in order to establish a prima facie case of obviousness required for a §103 rejection, three basic criteria must be met: (1) there must be some suggestion or motivation either in the references or knowledge generally available to modify the reference or combine reference teachings (MPEP §2143.01), (2) a reasonable expectation of success (MPEP §2143.02), and (3) the prior art must teach or suggest all the claim limitations (MPEP §2143.03). See *In re Royka*, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974).

Application respectfully submit that the proposed combination of Goodson, Wang, Palmer does not teach or suggest all of the claim limitations of claims 30 and 31. In particular, Goodson, Wang, and Palmer do not teach or suggest “the first plurality of channels and the second plurality of channels are each divided into a top portion and a bottom portion, wherein a working fluid is warmed in the top portion before reaching the bottom portion.”

Applicant therefore submits that the rejection based the Goodson, Wang, and Palmer reference is improper and should be withdrawn. Thus, Applicant submits that claims 30 and 31 recite novel subject matter which distinguishes over any possible combination of Goodson, Wang, and Palmer.

Conclusion

For all of the above reasons, applicants submit that the amended claims are now in proper form, and that the amended claims all define patentable subject matter over the prior art. Therefore, Applicants submit that this application is now in condition for allowance.

Request for allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

Invitation for Telephone Interview


If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: _____

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